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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,940	06/21/2001	Tomihiko Azuma	029471-0152	3888
22428	7590	12/15/2005	EXAMINER	
FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/884,940	AZUMA, TOMIHIKO
	Examiner Rob Rhode	Art Unit 3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 and 23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10-06-05 has been entered.

***Response to Amendment***

Applicant amendment of 10-06-05 amended claims 1, 8, 15 and 23 and canceled claim 22 as well as traversed rejections of Claims 1 – 21 and 23.

Currently, claims 1- 21 and 23 are pending.

***Information Disclosure Statement***

The information disclosure statement filed 1-14-04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 – 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koren (US 2003/0069844 A1) in view of “Periphonics Partners with T-Netix to Enhance Automated Transaction Processing Services with Voice Verification Capabilities”; PR Newswire; New York; Jun 25, 1998 (hereafter referred to as “Capabilities”)**

Referring to claim 1 and related claims 8 and 15, Koren discloses transaction handling methods and systems. Koren further discloses: a voice signature transaction system comprising a user terminal used by a user, a server used by a person providing products or services, and a data network connecting the user terminal and the server for conducting a product or service transaction, wherein

- said user terminal comprises a voice input unit for inputting voice data (Koren: paragraph 0033), and wherein
- said server comprises a sending/receiving unit, an allocating unit, a storage unit, and a checking unit, wherein
  - o said sending/receiving unit (Koren: Figure 17, "74")

- sends product and service transaction information to said user terminal (Koren: Figure 17, "80") when accessed by said user terminal (Koren: paragraph 0023),  
receives order data including data on a product or a service and a user name, said product or service being specified on said user terminal receiving the transaction information and being specified from products and services included in the transaction information (Koren: paragraph 0014 through 0015),  
sends order ID request information to said user terminal, said order ID request information requesting a signature of an order ID of the order data via voice, said order ID being allocated by said allocating unit in response to the order data (Koren: paragraph 0033), receives order ID voice data that is input, via voice, on said user terminal receiving the order ID request information (Koren: paragraph 0033),  
sends name request information to said user terminal when the order ID included in the received order ID voice data matches the allocated order ID, said name request information requesting to input, via voice, a signature of a name of a user who has placed the order (Koren: paragraph 0033),

receives name voice data that is input, via voice, on said user terminal receiving the name request information (Koren: paragraph 0033), and

sends acceptance information to said user terminal when the name included in the received name voice data matches the name included in the order data, said acceptance information indicating that the order data, the order ID voice data, and the name voice data have been accepted (Koren: paragraph 0033 and paragraph 0055), wherein

- o said allocating unit allocates the order ID to the order data (paragraph 0033), wherein
- o said storage unit stores the order data as well as the order ID voice data and the name voice data that are related to the order data and stores the transaction information (Koren: Figure 14, "1128"), and wherein
- o said checking unit
  - checks if the order ID included in the received order ID voice data matches the allocated order ID (Koren: paragraph 0111), and

checks if the name includes in the received name voice data matches the name included in the order (Koren: paragraph 0111).

Koren fails to disclose wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of

said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person.. On the other hand, "Capabilities" teaches:

- wherein, in a case in which said user terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not made the order corresponding to the order ID based on whether or not a voice recognition procedure preformed by said server determines the input voice data are from the same person (Page 1 and 2)

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Koren to further include wherein, in a case in which said user

terminal denies payment of an order corresponding to the order ID at a later point in time, the user of said user terminal is requested to input voice through said voice input unit of said user terminal, wherein the voice inputted through said voice input unit is compared stored voice data corresponding to at least one of the order ID voice data and the name voice data stored at server and which was obtained when the order ID was made at a previous point in time, and wherein the user is determined to either have made or not have made the order corresponding to the order ID based on whether or not a voice recognition procedure performed by said server determines that the input voice and the stored voice data are from a same person as taught by "Capabilities" in order to prevent an imposter from performing a transaction (Koren: paragraph 0007).

Referring to claim 2 and related claims 9 and 16. Koren further discloses a system wherein

- the sending/receiving unit of said server further sends date time request information to said user terminal when the name included in the received name voice data matches the name included in the order data, said date/time request information requesting to input, via voice, an order date time (Koren: paragraph 0085), and
- receives date/time voice data that is input, via voice, on said user terminal receiving the date/time request information (Koren: paragraph 0085), and • the storage unit of said server further stores the date/time voice data related to the order data (Koren: paragraph 0085).

Referring to claim 3 and related claims 10 and 17. Koren further discloses a system wherein

- the checking unit of said server further checks if a voiceprint of the received order ID voice data matches a voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph 0111), and
- the sending/receiving unit of said server further sends the acceptance information to said user terminal when the voiceprint of the received order ID voice data matches the voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033, paragraph 0055 and paragraph 0111).

Referring to claim 4 and related claims 11 and 18. Koren further discloses a system wherein the checking unit of said server further checks if a voiceprint of the received order ID voice data matches a voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033 and paragraph 0111), and the sending/receiving unit of said server further sends the acceptance information to said user terminal when the voiceprint of the received order ID voice data matches the voiceprint of the received name voice data and/or date/time voice data (Koren: paragraph 0033 and paragraph 0111).

Referring to claim 5 and related claims 12 and 19. Koren further discloses a system wherein

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- the sending/receiving unit of said server sends
  - the order ID request information or the name request information again when the checking unit did not find a match in the order IDs, in the names, or in the voiceprints (Koren: paragraph 0098 through paragraph 0099), and
  - information indicating 'that the order data is not accepted when the checking unit did not find a match in the order IDs, in the names, or in the voiceprints after the order ID request information or the name request information is sent a specified number of times (Koren: paragraph 0098 through paragraph 0099).

Referring to claim 6 and related claims 13 and 20. Koren further discloses a system wherein said server further comprises an output unit for outputting a voice of the voice data stored in the storage unit (Koren: Figure 17).

Referring to claim 7 and related claims 14 and 21. Koren further discloses -a system wherein said user terminal is a cellular phone and wherein -said data network includes a wireless base station capable of making a wireless connection to the cellular phone (Koren: Figure 17).

**Claim 23 rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Koren and Capabilities as applied to claim 1 above, and further in view of Morganstein (US 5,940,476)**

Koren and Capabilities substantially discloses and teaches the Applicant's invention.

However, the combination of Koren and Capabilities fails to disclose:

- wherein, in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order

Referring to claim 23, Morganstein teaches a voice signature transaction method

- wherein, in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order (Abstract and Figures 4a – 5a).

It would have been obvious to one of ordinary skill in the -art at the time of the invention to modify the combination Koren and Capabilities to include in the case in which said user denies payment of the order corresponding to the order ID at the later point in time, said server requests a voice recognition specialist to compare the input

voice and the stored voice data, and if the input voice and the stored voice data match as determined by the voice recognition specialist, the user is requested by said server to pay for the order as taught by "Morganstein"

### ***Response to Arguments***

Applicant's arguments, filed 10-3-05, with respect to the rejection(s) of claim(s) 1-21 and 23 under 35 USC 103(a) have been fully considered and are persuasive with respect to "Digital Signatures". Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of "Capabilities".

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shkedy (US 6260024 B1) and Schneir (US 5,970,143), which both teach that voice verification/recognition were well known.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **571.272.6761**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **571.272.7159**.

Any response to this action should be mailed to:

***Commissioner for Patents***

**P.O. Box 1450**

Alexandria, Va. 22313-1450

or faxed to:

**571-273-8300** [Official communications; including  
After Final communications labeled  
"Box AF"]  
For general questions the receptionist can be reached at  
**571.272.3600**

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